

Ordinance No. 2020-

An ordinance amending city code sections 300.02, 300.10, 300.11, 300.37, and section 300.16 regarding accessory dwelling units

The City Of Minnetonka Ordains:

Section 1. Section 300.02, subdivision 4 of the Minnetonka City Code, regarding definitions, is amended to read as follows:

~~4. "Accessory apartment" – a smaller secondary dwelling unit, located within a principal dwelling unit, that includes provisions for sleeping, cooking, and sanitation independent of the principal dwelling unit. This definition includes secondary dwelling units that have exterior entrances separate from the principal dwelling unit and secondary dwelling units that are accessed only through the principal dwelling unit.~~

4. "Accessory dwelling unit" – a secondary dwelling unit located on the same property as a principal dwelling unit, which includes provisions for living independent of the principal dwelling such as areas for sleeping, cooking, and sanitation. This definition includes secondary dwelling units attached to or detached from the principal dwelling unit.

Section 2. Section 300.10, subdivision 4(d) of the Minnetonka City Code, regarding conditional uses in the R-1 zoning district, is amended as follows:

d) ~~accessory apartments~~ accessory dwelling units;

Section 3. Section 300.11, subdivision 4(a) of the Minnetonka City Code, regarding conditional uses in the R-2 zoning district, is amended as follows:

a) ~~accessory apartments~~ accessory dwelling units;

Section 4. Section 300.37, subdivision 4(a) of the Minnetonka City Code, regarding conditional uses in the R-1A zoning district, is amended as follows:

a) ~~accessory apartments~~ accessory dwelling units;

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

Section 4. Section 300.16, Subdivision 3(d) of the Minnetonka City Code, regarding the specific standards applicable to conditional use permits for accessory apartments, is repealed and replaced with the following

d) Accessory dwelling units (ADUs):

- 1) ADUs are allowed only on properties zoned R-1, R-1A or R-2.
- 2) No more than one ADU is allowed per property.
- 3) The property must be homesteaded and the owner must reside in the principal dwelling unit or the ADU as a permanent residence, not less than 185 days per calendar year.
- 4) The ADU may not be subdivided or otherwise segregated in ownership from the principal residence.
- 5) On properties zoned R-1 or R-1A, an ADU may be attached to or detached from the principal structure. On properties zoned R-2, ADUs must be attached to the principal structure. An attached ADU includes an ADU that is contained within an existing principal structure.
- 6) On properties containing an ADU, neither the ADU nor principal dwelling may be used as a licensed residential care facility while the ADU conditional use permit remains in effect.
- 7) The following design standards apply:
 - a. Attached ADUs:
 1. May be created through the conversion of living space or attached garage space. However, garage space may be converted only if: (1) space is available on the property for construction of a 24-foot by 24-foot garage without variance; and (2) the applicant submits a detailed plan demonstrating that adequate vehicular parking exists on the site.
 2. Maximum floor area of 950 square feet or 35 percent of the floor area of the principal dwelling, whichever is less. For purposes of calculating the principal dwelling floor area, the floor area includes the proposed ADU. The city council may approve a larger ADU floor area where the additional size would not adversely impact the surrounding neighborhood.
 3. The primary exterior entrance to the ADU may not be located on the same façade as the primary entrance to the principal dwelling, unless the

location of the entrance does not substantially alter the single-family character of the residence.

4. The ADU is subject to all setback requirements as apply to the principal dwelling.

b. Detached ADUs:

1. May be created through the conversion of detached garage space only if either: (1) the principal structure includes an attached garage with minimum dimensions of 24 feet by 24 feet; or (2) space is available on the property for construction of an attached or detached 24-foot by 24-foot garage without variance and the applicant submits a detailed plan that demonstrating that adequate vehicular parking exists on the site.

2. Maximum footprint must be no more than 35 percent of the footprint of the principal dwelling, including attached garage. The city council may approve a larger footprint where the additional size would not substantially impact the surrounding area. In no case may the ADU be less than 200 sq.ft. in area.

3. Highest point of the ADU may not extend above the highest point of the roof of the principal dwelling unit. The city council may approve a taller ADU if it finds the ADU would be reasonably screened from adjacent properties by existing vegetation, elevation changes, or linear distance.

4. The principal exterior door access to the ADU may not be visible from the same street as principal exterior door access to the principal dwelling, unless the location of the principal door does not substantially alter the single-family character of the residence.

5. May contain a maximum of two bedrooms.

6. Must be constructed on a permanent foundation with no wheels.

7. Must be located behind the rear building line of the principal dwelling unit. In the case of corner or double frontage lots, the ADU is subject to front yard setbacks established for principal structures.

8. Must be set back from side and rear property lines a distance equal to the code-defined height of the ADU, but not less than 15 feet, and set back from all natural features as required by ordinance.

9. No additional curb cuts are permitted, unless approved by the city engineer in compliance with the driveway ordinance.

10. The ADU does count toward the maximum accessory structure square footage allowed per residential lot as provided by ordinance.

c. Any ADU, whether Attached or Detached:

1. Must complement the principal dwelling unit in architectural design and materials. This means the ADU must have a roof pitch similar to the principal dwelling, incorporate complementary façade materials, and color palate.

2. Must be served by municipal water, sanitary sewer, gas and electric utility service lines shared with the principal dwelling unit. Unless otherwise approved by staff, water service to the ADU must be connected after the existing meter in the principal dwelling.

8) Adequate off street parking must be provided for both the principal dwelling unit and the ADU. Such parking must be in a garage, carport, or on a paved area specifically intended for that purpose, but not within a required driveway turnaround. No more than four vehicles may be parked or stored anywhere outside on the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.

9) The ADU must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical and related city codes.

10) The ADU and property on which is it located is subject to all other provisions of this ordinance related to single-family dwellings, including all provisions of the shoreland, wetland, floodplain and nuisance ordinances. To the extent of any inconsistency among ordinance provisions, the most restrictive provision shall apply.

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on _____, 2020.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this ordinance:

Date of introduction: Dec. 7. 2020

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on _____, 2020.

Becky Koosman, City Clerk